



California Regional Water Quality Control Board

Santa Ana Region

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>
3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (909) 782-4130 - FAX (909) 781-6288



Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov/rwqcb8.

May 4, 2001

TO THE REGIONAL BOARD'S AGENDA ANNOUNCEMENT AND BASIN PLAN
AMENDMENT MAILING LISTS:

**RE: SOLICITATION OF SUGGESTIONS FOR SUPPLEMENTAL
ENVIRONMENTAL PROJECTS (SEPs)**

Ladies and Gentlemen:

Under the authority of the California Water Code (CWC), the Regional Board may issue administrative civil liability complaints (ACLCS) to dischargers in response to violations of waste discharge requirements, discharge prohibitions, enforcement orders, or other orders of the Regional Board. Assessments collected through the ACLC process are required by the CWC to be paid to the State Water Resources Control Board (State Board) Cleanup and Abatement Account (CAA). The State Board administers the CAA, and funds are used to address important water quality cleanup and abatement activities throughout the state.

As an alternative to depositing ACLC assessments in the CAA, the State Board's Enforcement Policy recognizes that ACLC assessments may be used for important and valuable water quality improvement projects within the Region in which the assessment was made. These are known as Supplemental Environmental Projects (SEPs). SEPs have been used in this and every other region in the state. SEPs are projects that enhance the beneficial uses of the waters of the state, provide a benefit to the public at large, and that, at the time they are assessed, are not otherwise required or would be greatly accelerated by the funding provided by the ACLC assessment.

Examples of SEPs include pollution prevention projects, environmental restoration programs, environmental auditing, public awareness and education activities, watershed assessments, watershed management facilitation services, and non-point source program implementation.

Some of the SEPs that have been funded within the Santa Ana Region are the Orange County Coastkeeper Kelp Reforestation Project, outreach projects by the Building Industry

California Environmental Protection Agency

Association to provide education concerning storm water regulations, and the diversion of dry-weather nuisance non-storm water flow from a bathing beach in Newport Bay to the sanitary sewer system. Other types of appropriate SEPs include contributions to programs that remove invasive species (such as *Arundo*), contributions to habitat restoration programs, and support of water quality research programs.

The Regional Board has directed staff to solicit ideas for additional SEPs from interested parties and the general public. Once general and specific recommendations are received in response to this solicitation, staff proposes to create a master list of SEPs for review by the Regional Board. Those SEPs that the Regional Board approves for inclusion on the master list would then be available for funding by an ACLC recipient, if appropriate. An agenda item to discuss this matter will be presented during the Regional Board's June 1, 2001 meeting in the Loma Linda City Council Chambers, beginning at 9:00 a.m.

The purpose for this notice is to solicit your ideas for SEPs that could be funded as an alternative to directing assessments to the CAA. Attachment "A" to this letter contains general guidance related to SEP qualification criteria. Should you have any questions concerning this matter, please contact Bob Holub at 909-782-3298 or Mike Adackapara at 909-782-3238.

Sincerely,

/s/

Gerard J. Thibeault
Executive Officer
Santa Ana Regional Water Quality Control Board

Enclosure: Attachment "A"

ATTACHMENT "A"

SUPPLEMENTAL ENVIRONMENTAL PROJECTS

QUALIFICATION CRITERIA GUIDANCE

- ◆ An SEP should only consist of measures that go above and beyond the obligation of the discharger. For example, sewage pump stations should have appropriate reliability features to minimize the occurrence of sewage spills in that particular collection system. The installation of these reliability features following a pump station spill would not qualify as a SEP.
- ◆ The SEP should lead to improved water quality and enhanced support of beneficial uses of waters of the state.
- ◆ The SEP shall not directly benefit the State Board or Regional Board functions or staff. For example, SEPs shall not be gifts of computers, equipment, etc., to the State Board or Regional Board.
- ◆ The SEP shall not be an action, process or product that is **required** by any rule or regulation of any entity (e.g., local government, California Coastal Commission, U.S. Environmental Protection Agency, Corps of Engineers, etc.).
- ◆ The SEP shall contain specific performance standards, including milestones for achievement, and identified measures or indicators of performance. The ACLC action shall specify that the discharger shall meet these standards, milestones, and indicators.